

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BARBARO ROSAS and  
11 GUADALUPE TAPIA, as individuals  
and on behalf of all other similarly  
situated persons,

12 Plaintiffs,

13 v.

14 SARBANAND FARMS, LLC,  
15 MUNGER BROS., LLC, NIDIA  
16 PEREZ, and CSI VISA PROCESSING  
S.C.,

17 Defendants.

18 CASE NO. C18-0112-JCC

19 ORDER

20 This matter comes before the Court on Plaintiffs' motion to compel Defendants  
21 Sarbanand Farms, LLC and Munger Bros., LLC (collectively, "Growers") to answer  
22 interrogatories and provide responses to requests for production (Dkt. No. 46). Having  
23 thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument  
unnecessary and hereby GRANTS the motion for the reasons explained herein.

24 **I. BACKGROUND**

25 On May 18, 2018, Plaintiffs sent Growers formal discovery requests. (Dkt. No. 47.) After  
being granted an extension to respond to discovery by Plaintiffs, Growers provided form

1 objections to Plaintiff's discovery requests, and did not produce any documents. (*Id.*) The parties  
2 conducted a Federal Rule of Civil Procedure 37 conference. (*Id.*) Growers stated that they  
3 wanted to send a notice to all class members prior to disclosing class member information, they  
4 did not want to provide information related to H-2A work in California, and they objected to  
5 providing harvest profit data. (*Id.*) The next day, Growers produced documents that were almost  
6 entirely redacted. (*Id.*)

7 Growers agreed to provide Plaintiffs' requested class member discovery and discovery  
8 related to class members' employment in California. (*Id.*) Growers requested a protective order  
9 before providing the discovery. (*Id.*) Plaintiffs filed the instant motion to compel, seeking non-  
10 confidential information responsive to their discovery requests and a list of documents and  
11 information that Growers believed required a protective order. (Dkt. No. 46.)

12 Growers withdrew their request for a protective order. (Dkt. Nos. 47 at 4–6; 54-1 at 17.)  
13 Growers have since produced 33,000 pages of documents related to class members, with  
14 personal information redacted. (Dkt. No. 54.) Plaintiffs' counsel sent a letter to Growers' counsel  
15 outlining deficiencies in their discovery response. (Dkt. No. 56-1.) The deficiencies identified by  
16 Plaintiffs were "documents and discovery [Plaintiffs] had been seeking since early March." (Dkt.  
17 No. 56 at 3.)

18 **II. DISCUSSION**

19 Following Growers' retraction of their request for a protective order, the only relief  
20 sought by Plaintiffs is an order compelling Growers to respond to Plaintiffs' discovery requests  
21 by providing all non-confidential discovery. (Dkt. Nos. 46 at 2, 55 at 5.)

22 "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any  
23 party's claim or defense and proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1).  
24 Although the Court strongly disfavors discovery motions, if the parties are unable to resolve their  
25 discovery issues, the requesting party may move for an order to compel. Fed. R. Civ. P. 37(a)(1).  
26 The Court has broad discretion to issue an order to compel. *Phillips ex rel. Estates of Byrd v.*

1       General Motors Corp., 307 F.3d 1206, 1211 (9th Cir. 2002). On a motion to compel, the movant  
2 must demonstrate that “the information it seeks is relevant and that the responding party’s  
3 objections lack merit.” *Hancock v. Aetna Life Ins. Co.*, 321 F.R.D. 383, 390 (W.D. Wash. 2017).

4       Plaintiffs’ formal discovery requests were sent to Growers almost three months before the  
5 instant motion to compel was filed. (Dkt. Nos. 46, 47.) Plaintiffs seek to compel the disclosure of  
6 non-confidential information responsive to their discovery requests. (Dkt. Nos. 46 at 2, 55 at 5.)  
7 Growers do not contend that the information sought by Plaintiffs’ motion is privileged,  
8 irrelevant, or disproportional to the needs of the case. (See Dkt. No. 53.) Therefore, such  
9 information should have been disclosed in response to Plaintiffs’ discovery requests. See Fed. R.  
10 Civ. P. 26(b)(1).

11       Growers argue that the deficiencies identified by Plaintiffs’ August 25 letter are being  
12 raised for the first time, and therefore a new Federal Rule of Civil Procedure 37 conference is  
13 required. (*Id.* at 6.) But Plaintiffs’ August 25 letter sought discovery that was within the scope of  
14 their original discovery requests. (See Dkt. No. 56.) Growers have been aware of these discovery  
15 requests since May 2018, and the parties even conducted a Rule 37 conference to discuss the  
16 requests. (Dkt. No. 47.) The Court sees no reason to drag this dispute out any further.

17       **III. CONCLUSION**

18       For the foregoing reasons, Plaintiffs’ motion to compel Defendants Sarbanand Farms,  
19 LLC and Munger Bros., LLC to answer interrogatories and provide responses to requests for  
20 production (Dkt. No. 46) is GRANTED. Growers are ORDERED to provide all non-confidential  
21 information responsive to Plaintiffs’ May 18, 2018 discovery requests within 14 days of the  
22 issuance of this order.

23       DATED this 24th day of September 2018.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE